

SUPREME COURT OF ARIZONA
DISCIPLINARY CASES MATRIX
(1986)

<u>CASE NAME NUMBER/DATE</u>	<u>VIOLATIONS DESCRIPTION/ DISCIPLINARY RULES</u>	<u>COMMITTEE RECOMMEND.</u>	<u>COMMISSION RECOMMEND.</u>	<u>COURT SANCTION</u>	<u>COMMENTS</u>
<u>1986</u>					
<u>Brown, Robert C.</u> 12/2/86 SB-86-0039-D DC Nos. 5-0152 and 5-0162 (By Order)	Failed to act with diligence and promptness. Failed to keep clients informed. Failed to comply promptly with requests for information. Failed to consult with client. Allowed adverse judgment to be entered against client without his knowledge. Failed to abide by client's decision. Failed to cooperate with State Bar. DR 1-102(A)(3) DR 6-101(A)(3) DR 7-101(A)(3)	Suspension by Consent	Suspension by Consent	Suspended 60 days \$517.60 costs	No priors
<u>Cardenas, Jesus</u> 4/14/86 SB-86-0034-D DC No. 5-0262 (By Order)	Failed to take any action toward representing client in a dissolution matter. Avoided contact with client and failed to return retainer. DR 6-101(A)(3) DR 7-101(A)(2) DR 1-102(A)(1) DR 1-102(A)(5) DR 1-102(A)(6) DR 7-101(A)(1)	Suspend 6 months	Censure	Censured \$454.90 costs	No priors
<u>Cardenas, Jesus</u> 11/19/86 SB-86-0034-D DC No. 5-0262 (By Order)	Indefinite suspension due to non-payment of costs of \$454.90 in SB-86-0034-D.			Suspension	
<u>Cooper, Dan H.</u> 6/12/86 Admin. No. 84-1-4D DC No. 5-0265 (By Order)	Prejudiced the administration of justice by counseling client to threaten him. Failed to advise judge of that fact. DR 1-102(a)(4) DR 1-102(a)(5) DR 7-102(a)(5) DR 7-102(a)(7)	Suspend 6 months	Censure	Censured \$2,756.08 costs	Intentional Conduct

DISCIPLINARY CASES MATRIX
(1986)

<p><u>Everett, Kenneth D.</u> 6/12/86 Admin. No. 84-1-5F DC No. 5-0400 (By Order)</p>	<p>Assisted client in disobeying an order issued by a Superior Court Judge. DR 1-102(A)(5) DR 7-101(A)(1) DR 7-102(A)(7) DR 7-106(A)</p>	<p>Suspend 60 Days</p>	<p>Censure</p>	<p>Censured \$1,408.80 costs</p>	<p>No priors</p>
<p><u>Feland, Robert F. III</u> 6/16/86 SB 86-0001-D DC. Nos. 5-1881, 5-1532, 5-1887, 5-1277 (By Order)</p>	<p>Settled P.I. claim without client's knowledge, then forged client's name and converted client's funds. Falsely represented to client that the check he gave client was the total settlement amount. Borrowed money from client, defaulted on that obligation and assigned to client an interest in a contingent fee in another case. Made false representation to State Bar regarding his behavior. Refused to honor a lien and made false representations to the Bar concerning his behavior. DR 1-102(A)(3) DR 1-102(A)(4) DR 1-102(A)(5) DR 9-102(A) ER 1.15 ER 8.4(b) ER 8.4(c) ER 8.4(d) DR 5-104(A) ER 1.8(a) ER 1.14</p>	<p>Disbarment</p>	<p>Disbarment</p>	<p>Disbarred \$1,877.30 costs \$78,957.11 restitution</p>	<p>Prior Interim Suspension Multiple Offenses</p>
<p><u>Greenwood, James</u> 1/14/86 SB-342 Admin. Nos. 82-4-4C, 82-5-4C, 84-2-4C (By Order)</p>	<p>Failed to distribute trust monies. Misrepresented to clients about lawsuits. Failed to respond to client inquiries. Failed to deliver funds entrusted to him by clients. DR 1-102(A)(1) DR 1-102(A)(5) DR 1-102(A)(6)</p>	<p>Suspend 6 months</p>	<p>Suspension</p>	<p>Suspended 6 months \$1,963.03 costs</p>	<p>Intentional Conduct</p>

DISCIPLINARY CASES MATRIX
(1986)

<u>Johnson, Ward</u> 12/16/86 SB-86-0040-D (By Order)	The State Bar has received ten similar complaints, alleging that attorney has taken clients' retainers, failed to perform any work, failed to keep regular office hours or employ any support staff, and clients have been unable to communicate with him.			Interim Suspension	Prior Informal Reprimand
<u>Kersting, Robert E.</u> 9/23/86 SB No. 331 Admin. No. 79-1-5G (By Opinion) 151 ARIZ 171 726 P.2d 587	Engaged in exchanging notes and security interests for notes and security devices of arguably lesser value without full and honest disclosure. DR 1-102(A)(4) DR 7-102(A)(3) DR 7-102(A)(5) DR 7-102(A)(7)	Suspend 6 months	Suspend 9 months	Suspended 9 months \$5,309.97 costs	No priors
<u>King, Reed W.</u> 1/7/86 Admin. No. 85-1-5H (By Order)	Misappropriated client funds for personal use. Failed to timely pay client's medical creditors. Misled client and others to conceal his activities. DR 6-101(A)(3) DR 9-102(A) DR 9-102(B)(3) DR 9-102(B)(4)	Suspend 60 days	Suspend 2 years	Suspended 2 years \$1,109.80 costs	Prior Informal Reprimand Intentional Conduct
<u>La Londe, Herbert</u> 9/11/86 SB 86-0028-D (By Order)	Felony conviction under Rule 57.			Interim Suspension	
<u>Matlock, John W.</u> 6/10/86 DC No. 5-0463 (By Order)	Failed to adequately communicate with client. Stipulated to custody matters without consent. DR 6-101(A)(2) DR 7-101(A)	Censure	Censure	Censured \$282.40 costs	No priors
<u>McCarthy, Thomas A. Jr.</u> 6/11/86 DC No. 5-0265 (By Order)	Attempted to cover up failure to file lawsuit after statute of limitations had run. Failed at duty to settle the matter with his malpractice insurance carrier. DR 7-101(A)(2) DR 6-101(A)(3)	Censure	Censure	Censured \$1,106.40 costs	No priors

**DISCIPLINARY CASES MATRIX
(1986)**

<p><u>Montano, Gilbert R.</u> 3/24/86 SB-322 DC Nos. 5-0244-6C, 5-0245-6C, 5-0246-6C, 5-0247-6C, 5-0248-6C (By Order) (Memorandum Decision)</p>	<p>Failed to pursue client's interest. Failed to respond to client inquiries. Failed to represent client after receiving retainer. Misrepresented to client that he had filed suit. Failed to refund any part of retainer. Induced client to make him a personal loan. Fraudulently suggested that client let him place settlement proceeds into a non-existent "money market" account. DR 1-102(A)(1) DR 1-102(A)(6) DR 6-101(A)(3) DR 7-101(A)(1) DR 7-101(A)(2) DR 9-102(A) DR 1-102(A)(3) DR 1-102(A)(4) DR 1-102(A)(5) DR 9-102(A)(2) DR 9-102(A)(3)</p>	<p>Disbarment & Restitution</p>	<p>Disbarment</p>	<p>Disbarred \$1,127.20 costs \$100,900 restitution</p>	<p>Prior disbarment Multiple offenses Intentional conduct</p>
<p><u>Munger, Stanley E.</u> 7/25/86 SB 86-0024-D DC No. 5-2198 (By Order)</p>	<p>Failed to file income tax returns. Lied on annual questionnaire with Iowa Disciplinary Commission regarding those taxes.</p>		<p>Suspend 6 months</p>	<p>Suspended 6 months (reciprocal)</p>	<p>Vacated upon reinstatement in Iowa but not reinstated-suspended for non-payment of dues</p>
<p><u>Nefstead, Lewis C.</u> 6/6/86 Admin. No. 83-2-2B DC No. 5-0259 (By Order)</p>	<p>Neglected client matter. Filed knowingly a complaint with false factual allegations. Failed to follow client instructions. Failed to communicate and return file to client. DR 6-101(A)(3) DR 7-101(A)(1) DR 7-102(A)(5)</p>	<p>Suspend 60 days</p>	<p>Censure</p>	<p>Censured \$1,073.10 costs</p>	<p>Intentional Conduct Client Injury</p>
<p><u>Phelps, Jack L.</u> 11/18/86 SB 87-0020-D DC No. 5-0202 (By Order)</p>	<p>Failed to act with diligence after receiving a retainer. Failed to communicate and return retainer to client. Ignored State Bar request for information. ER 1.3 ER 1.4</p>	<p>Suspend 60 days</p>	<p>Suspend 6 months and 1 day</p>	<p>Suspended 6 months and 1 day \$471.90 costs</p>	<p>Prior suspension for non-payment of dues</p>

DISCIPLINARY CASES MATRIX
(1986)

<u>Polley, Alan K.</u> 6/5/86 DC No. 5-0260 (By Order)	Failed to file lawsuit after being retained. Failed to keep client informed. DR 6-101(A)(3) DR 1-102(A)(1) DR 1-102(A)(6)	Censure	Censure	Censured \$430.00 costs	No priors
<u>Rivkind, Morton</u> 11/6/86 SB 86-0035-D (By Order)	Felony conviction under Rule 57.			Interim Suspension	
<u>Schneider, Donald P.</u> 9/9/86 SB 86-0025-D DC Nos. 5-0209, 5-0210 (By Order)	Failed to communicate with estate's personal representative, and to complete certain of estate's tax returns. Improperly withdrew from representation and failed to return documents to the estate. Identified himself on business sign as also being engaged in practice of law. DR 1-102(A)(6) DR 2-102(E) DR 2-110(A)(2) DR 6-101(A)(3)	Suspend Probation	Suspend	Suspended 7 months \$1,376.50 costs	Prior suspension for non-payment of dues
<u>Tillyou, Frank S. Jr.</u> 10/1/85 SB 86-0029-D Admin. Nos. 85-2-5L(2) and 85-3-5L(2) (By Order)	Failed to timely honor a doctor's lien. Failed to inform doctor of case's status and his withdrawal from representing client. Failed to respond to doctor's inquiries. Failed to inform client of trial date. Failed to appear at trial. Failed to correct default judgment. DR 1-102(A)(5) DR 1-102(A)(6) DR 7-102(A)(3) DR 1-102(A)(6) DR 6-101(A)(3)	Suspend 12 months	Suspend 12 months	Suspended 12 months \$1,245.00 costs \$2,017.83 restitution	Prior suspension Multiple offenses
<u>Underwood, Hamilton B.</u> 1/2/86 SB-343 DC No. 5-1447-00-A4 (By Order)	Interim suspension pending final disposition of disciplinary action in State of Washington.			Interim suspension	